THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No.23660 of 2005

DATED:03-11-2005

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Between:

Singam Sathaiah Goud, Son of Pochaiah Goud,

aged 48 years, Occ: Toddy Tapper,

Member of the Karimnagar District Cooperative

Central Consumer Stores Ltd., (Regd. No.725 T.D.)

Kamadhenuvu Super Bazar,

Karimnagar District ……Petitioner

AND

1. The Registrar, Co-operative Societies,

Nampally, Opp: Chandra Vihar Building,

Hyderabad ...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 23660 of 2005

ORDER:

The petitioner has filed the present writ petition seeking a direction, particularly in the nature of writ of Mandamus, to declare the action of respondent No.2 in conducting the proposed election *vide* Proceedings Rc.No.11311/04/C II, dated 22.09.2005 in the month of November, 2005 without valid voters' list of the Karimnagar District Cooperative Central Consumer Stores Ltd., Kamadhenuvu Super Bazar, Karimnagar District as per Bye Law 43 and Rule 22 (3) (a) (i) of

Cooperative Societies Act, 1964, as illegal and arbitrary.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Co-operative Societies appearing for the respondents and perused the material on record.

The earlier W.P.No.21086 of 2005 filed by the petitioner was dismissed on the ground that the same was premature for the reason the question as to whether proper voters' list is prepared or not, can be known only on its publication.

Now, the learned Counsel appearing for the petitioner submits that no proper voters' list is published according to the prescribed rules and therefore, the proposed conducting of elections will be illegal and arbitrary.

Under Section 63 (1) of the A.P. Co-operative Societies Act, 1964, every dispute relating to, or in connection with, any election to a committee of a society shall be referred for decision to the Tribunal having jurisdiction over the place where the main office of the society is situated.

In view of the alternative remedy that is available as per the above provisions under the Act, I am of the opinion that the present writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, it is made clear that the petitioner is at liberty to approach the appropriate forum, if he is so advised. No costs.

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3rd November, 2005

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THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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